

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.77 OF 2014

JONAS SERGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The State concedes that the Applicant is a refugee having been granted that status by the UNHCR and the Commissioner of Refugee Affairs. The order issued by the trial court on 4th July 2014 requiring the Applicant to be repatriated to his country of origin after completing his sentence under **Section 53(1)** as read with **Section 53(2)** of the **Citizenship and Immigration Act 2011** is hereby revised pursuant to **Section 364(1)** of the **Criminal Procedure Code**. The order requiring the Applicant to be repatriated to Burundi is hereby reversed and set aside. It is substituted by an order of this court requiring the OCS Buru Buru Police Station to surrender the custody of the Applicant to UNHCR and the Commissioner for Refugee Affairs so that appropriate arrangements may be made to transfer the Applicant to Kakuma Refugee Camp. It is so ordered.

DATED AT NAIROBI THIS 5TH DAY OF NOVEMBER 2014

L. KIMARU

JUDGE